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In the Matter of

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CC Docket 99-200

I. INTRODUCTION

¹ Indiana Utility Regulatory Commission's Petition for Delegated Authority to Implement Number Optimization Measures; Indiana Utility Regulatory Commission's Request for Expedited Ruling and Second Supplement to Petition for Additional Delegated Authority to Implement Number Conservation Measures, DA 01-656, Released March, 14, 2001.

the IURC to be proactive and optimize numbering resources so that the lives of NPAs 812 and 765 may be extended. It is also in the public interest to shield consumers from the consequences of premature area code splits or overlays due to inefficient utilization of existing resources. Therefore, the IURC hereby petitions the Commission for an expedited decision that delegates authority to the IURC for implementing number conservation measures, specifically, the authority to implement mandatory thousands-block number pooling in NPAs 812 and 765.

II. BACKGROUND

The Telecommunications Act of 1996, Section 251(e), allows the Commission to delegate to state commissions or other entities jurisdiction over numbering. The Commission determined in the Numbering Resource Optimization Notice that implementation of thousands-block number pooling is essential to extending the life of the North American Numbering Plan ("NANP") by making the assignment and use of central office codes ("NXX") more efficient.² In the Numbering Resource Optimization ("NRO") First Report and Order, the Commission held that a state commission seeking thousands-block number pooling authority must demonstrate that: (1) the NPA in its state is in jeopardy; (2) the NPA in question has a remaining life span of at least a year; and, (3) that the NPA is in one of the largest 100 metropolitan statistical areas ("MSAs"), or alternatively, the majority of wireline carriers in the NPA are local number portability ("LNP") capable.³ These three criteria were adopted before implementation of nationwide thousands-block pooling and before the Commission recognized in the NRO Fourth Report and Order that full LNP capability is not necessary for participation in pooling but that the underlying Location Routing Number ("LRN") architecture must be deployed.⁴

The FCC recognized that "special circumstances" may exist in which pooling would be beneficial in the NPAs that do not meet all of the above criteria, and stated that it may authorize mandatory pooling in such an NPA upon the satisfactory showing by a state commission of

² Numbering Resource Optimization Notice, 14 F.C.C. Rcd 10322, 10383-84 (June 2, 1999).

³ First Report and Order, 15 F.C.C. at 765 1-52, Para. 170. See also Numbering Resource Optimization, CC Docket No. 99-200, Third Report and Order and Second Order on Reconsideration, 17 F.C.C. Rcd 252,262, Para. 21 & note 47 (2001) ("Third Report and Order").

⁴ Fourth Report and Order, 18 F.C.C. Rcd at 12476 Para. 11.

special circumstances.⁵ In 1998, the Commission adopted the Pennsylvania Numbering Order, in which it delegated authority to state commissions to order central office code rationing in conjunction with area code relief decisions, in the absence of industry consensus. In the Pennsylvania Numbering order, the Commission also encouraged state commissions to seek further limited delegations of authority to implement number conservation measures.⁶

In addition, the IURC is aware of the Commission's NRO Fourth Report and Order regarding pooling exemptions for rural telephone companies and Tier III Commercial Mobile Radio Service ("CMRS") providers that have not yet received a specific request for the provision of LNP from another carrier and carriers that are the only service provider receiving numbering resources in a given rate center.⁷ The IURC is also aware of the Order on Remand which requires rural carriers that have not received a waiver of the intermodal porting requirements from the Commission or a suspension or modification from the requirements of section 251 (b) of the Telecommunications Act to provide LNP within six months of receiving a specific request from another carrier.⁸

III. DISCUSSION

There are six NPAs in Indiana: 219; 260; 317; 574; 765; and 812. NPA 812 is bordered by three of the 100 largest MSAs: Cincinnati, Ohio; Indianapolis, Indiana and Louisville, Kentucky. The majority of the wireline rate centers in NPA 812 serve small to mid-sized cities and towns and rural areas. NPA 812 is projected to exhaust in the first quarter of 2011.⁹ A Relief Petition may be filed by the NANPA on behalf of the Indiana Telecommunications Industry in early 2008 depending upon the results of the April 2008 NRUF ("Numbering

⁵ See Numbering Resource Optimization, CC Docket No. 99-200, FCC 00-104, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd. 7574 (Mar 31, 2000) (Numbering Resource Optimization First Report and Order).

⁶ In the Matter of the Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717, Memorandum Opinion and Order and Order on Reconsideration, 13 F.C.C. Rcd 19009 (1998).

⁷ Fourth Report and Order, 18 F.C.C. Rcd at 12473, Par 1

⁸ In the Matter of Telephone Number Portability, Order on Remand, CC Docket 95-116, Appendix D, Par 6, Released November 8, 2007.

⁹ 2007-2 NRUF and NPA Exhaust Analysis, North American Numbering Plan Administrator, October 2007

Resource Utilization/Forecast Report”).¹⁰ Mandatory pooling is required for only 42 out of the 171 rate centers in NPA 812 despite steady demand for full NXX codes. According to the latest NRUF report the utilization rate for NPA 812 is 35 percent. The majority of wireline carriers in NPA 812 are LNP capable. The predominance of the rate centers are in the service territories of large ILECs namely, Verizon and AT&T, and eight of the rate centers fall into the incumbent local exchange territory of Embarq. These three large ILECs implemented LNP in 1998. Only 26 of the rate centers in NPA 812 are listed as not LNP capable according to the National Pooling Administration.¹¹

NPA 765 is bordered by the Indianapolis MSA. This NPA serves mostly rural communities and small to mid-sized cities and towns, however, this NPA also contains three of Indiana’s fastest growing counties: Boone, Hamilton and Hendricks Counties. NPA 765 is projected to exhaust in the first quarter of 2014.¹² Information provided by National Pooling Administrator indicates mandatory pooling is required for only 39 of the 139 rates centers. According to the latest NRUF report the utilization rate for NPA 765 is 29 percent. The majority of wireline rate centers in NPA 765 are LNP capable. The predominance of the rate centers are within the incumbent local exchange territories of AT&T and Verizon and eight of the rate centers fall into the incumbent local exchange territory of Embarq. Only 17 of the rate centers are listed as not LNP capable according to the National Pooling Administration.¹³

As discussed above, NPAs 812 and NPA 765 each meet two of the three criteria required in the Commission’s NRO First Report and Order.¹⁴ NPA 812 and NPA 765 have remaining life spans of at least one year (specifically, three years for NPA 812 and six years for NPA 765), and the majority of the wireline carriers in each of these NPAs are LNP capable. While the IURC recognizes that there is not industry consensus that NPAs 812 and 765 are in jeopardy, the IURC asserts that special circumstances warrant a grant of delegated authority to implement thousands-block number pooling in each of these NPAs. The circumstances in Indiana in NPAs 812 and

¹⁰ Relief Planning Follow-Up Meeting November 27, 2007, NeuStar Meeting Minutes.

¹¹ National Pooling Administration Matrices Report, October 15, 2007.

¹² 2007-2 NRUF and NPA Exhaust Analysis, North American Numbering Plan Administrator, October 2007

¹³ National Pooling Administration Matrices Report, October 15, 2007.

¹⁴ First Report and Order, 15 F.C.C.

765 are similar to the circumstances detailed in Petitions for Delegated Authority by New Mexico and Ohio to implement mandatory thousands-block pooling to forestall area code exhaust, which were granted by the Commission on November 9, 2006.¹⁵ The implementation of thousands-block number pooling could forestall area code relief measures such as an area code split or an area code overlay.

The IURC believes that additional quarters or possibly years will be added to the next exhaust projections for NPAs 812 and 765 if thousands-block number pooling is implemented expeditiously. Indiana's history with mandatory number pooling indicates that it has been effective in postponing area code relief measures. In 2001, NPA 317 was projected to exhaust in 2002. The FCC granted the IURC authority to implement mandatory thousands-block number pooling in NPA 317 on March 13, 2001.¹⁶ The June 5, 2002 release of NRUF area code exhaust projections moved the exhaust projection for NPA 317 back to the forth quarter of 2006.¹⁷ Currently, the exhaust projection for NPA 317 is 2013.¹⁸ The IURC believes that the postponement of the exhaust projection date can be attributed, at least in part, to the implementation of mandatory thousands-block number pooling.

The September 17, 2007 NRUF report indicates that utilization rates are higher in Indiana NPAs with mandatory thousands-block number pooling. NPA's 812 and 765 have the lowest utilization rates of all Indiana NPA's at 35% and 29% respectively. In Indiana's remaining NPAs where number pooling has been in effect since 2001, utilization rates range from 37% to 49%.

The number of blocks available in NPAs 812 and 765 indicate that mandatory number pooling could be very effective. The September 17, 2007 NRUF Report indicates that NPA 812 has 2,043 blocks available and NPA 765 has 640 blocks available. These remaining blocks are likely to be utilized more efficiently if mandatory number pooling is implemented. The IURC is

¹⁵ See In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, DA 06-2299, Released November 9, 2006.

¹⁶ Indiana Utility Regulatory Commission's Petition for Delegated Authority to Implement Number Optimization Measures; Indiana Utility Regulatory Commission's Request for Expedited Ruling and Second Supplement to Petition for Additional Delegated Authority to Implement Number Conservation Measures, DA 01-656, Released March, 14, 2001.

¹⁷ Dismissal Order, Cause No. 41525-S317, Approved December 4, 2002 by the IURC.

¹⁸ NPA Exhaust Analysis, October 2007, North American Numbering Plan Administrator

concerned that thousands of numbers will be stranded in rate centers where mandatory number pooling is not in place and that it should do everything feasible to conserve numbers and postpone the current exhaust projections.

Conclusion

The IURC respectfully requests that the Commission approve this petition and grant the authority for implementing mandatory thousands-block pooling within NPAs 812 and 765 to prolong the life of these NPAs and forestall the expense and inconvenience of any potentially premature area code overlay or split, and compel service providers to donate blocks that do not exceed the 10% contamination level to an industry pool for reassignment. The IURC will actively work with the industry before mandatory pooling implementation is introduced in NPAs 812 and 765. The IURC further requests the Commission grant this petition on an expedited basis.

Respectfully submitted this ____ day of March, 2008.

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